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# Leadership Conference on Civil Rights

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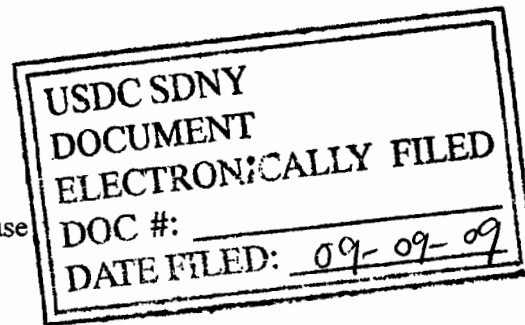
Asian American Justice Center

PRESIDENT & CEO

Wade J. Henderson

September 3, 2009

The Honorable Denny Chin  
United States District Judge  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street  
New York, NY 10007



Re: The Authors Guild et al. v. Google, Inc. Case No. 1:05 cv 8136  
(S.D.N.Y.)

Dear Judge Chin:

The Leadership Conference on Civil Rights ("Leadership Conference" or "LCCR") requests permission to submit this revised letter in support of approval of the final settlement in the case referenced above. Please substitute this letter for an earlier-filed version.

The Leadership Conference is the nation's oldest and largest civil rights coalition, consisting of nearly 200 national organizations, representing persons of color, women, children, labor unions, individuals with disabilities, older Americans, major religious groups, gays and lesbians and civil liberties and human rights groups.<sup>1</sup> LCCR was founded in 1950 and has coordinated national lobbying efforts on behalf of every major civil rights law since 1957.

LCCR has been at the forefront of efforts to reduce barriers to acquiring knowledge and to promote educational opportunity for all Americans. It played a major role in securing congressional passage of Title VI of the Civil Rights Act of 1964, Title IX of The Education Amendments of 1972, the Americans with Disabilities Act, the Elementary and Secondary Education Act of 1965, as amended, and many other important measures that have expanded educational opportunity. LCCR thus has a significant interest in initiatives that will enhance educational opportunity for all Americans, and this interest will be significantly enhanced by the remarkable services that will be made available by Google Book Search if the proposed settlement is approved.

The Google Book Search project is an exciting innovation in which the civil and human rights community has a particular interest. Enabling broad access to information and to high-quality education is one of the last great frontiers that our Nation must confront on the road to equal opportunity for all. Google Book Search will enhance educational opportunity for students of color. One of the painful legacies of our nation's history of race discrimination is that many students who are racial minorities continue to lack access to the learning resources that are available at our leading educational institutions. By giving students anywhere access millions to books that are now available only at major research institutions such as Stanford and the University of Michigan, Google Book Search will help to narrow the gap in resources available to many minority students. As the League of Latin American Citizens (LULAC) advised the Court, Google Book Search would "give[] Hispanic students broad access to the same kind of library

<sup>1</sup> The American Civil Liberties Union, which is an LCCR member organization, does not join in this letter.

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resources once available only at the world's most resourced universities and libraries.<sup>2</sup> Similarly, women have traditionally had lower income and have had to rely more on public libraries and two-year colleges.<sup>3</sup> By providing access at public libraries and two-year colleges to information now locked in the libraries of major research institutions, Google Book Search will thus enhance learning opportunities for women.

Asian Americans and Pacific Islanders have also been denied access to full educational opportunity. For example, Cambodian, Hmong and Laotian students have encountered significant barriers to educational equality, and many institutions serving Asian Americans have lacked adequate resources.<sup>4</sup>

For many decades our historically Black colleges and universities were denied the educational resources available to other state-supported institutions. Google Book Search will also help to offset this disadvantage, and enable those colleges and universities to attract and retain scholars and students who need ready access to resources from the nation's leading libraries.

Google Book Search also will enhance educational opportunities for individuals with disabilities. By making digital versions of millions of books available online, it will enable persons with visual disabilities to listen to millions of books that were not previously available. This is why the Dr. Marc Maurer, President of the National Federation of the Blind, stated:

"Access to the printed word has historically been one of the greatest challenges faced by the blind. The agreement between Google and authors and publishers will revolutionize access to books for blind Americans. Blind people will be able to search for books through the Google Books interface and purchase, borrow, or read at a public library any of the books that are available to the general public in a format that is compatible with text enlargement software, text-to-speech screen access software, and refreshable Braille devices. . . . [T]his agreement means that blind people will have more access to print books than we have ever had in human history." (emphasis supplied).<sup>5</sup>

<sup>2</sup> Letter filed August 12, 2009 from Brent Wilkes, National Executive Director, League of United Latin American Citizens.

<sup>3</sup> "Highlights of Women's Earnings in 2008," U.S. Department of Labor, U.S. Bureau of Labor Statistics (July 2009); Cassell, Kay Ann; Weibel, Kathleen, "Public library response to women and their changing roles revisited," Library Trends, (September 22, 2007) ("Women are the majority of the more than 135 million adult public library in-person users; 56 percent in 2006 according to the American Library Association (2006, p. 13)"); Two-Year College English Association, "Tyca Two-Year College Facts And Data Report," 2005 Highlights at 2 (In 2000-01, "58% of all two-year college students were women." (citation omitted).

<sup>4</sup> See, e.g., Vang, Christopher T., "Hmong American K-12 Students and the Academic Skills Needed for a College Education: A Review of the Existing Literature and Suggestions for Future Research," Hmong Studies Journal, 2004-05, 5: 1-31; C.N. I.e, Asian-Nation.Org, (Of all ethnic groups reviewed, "Cambodians, Hmong, and Laotians have the highest rates of having less than a high school education . . . and the lowest rates of having either a college degree or an advanced degree.") <http://www.asian-nation.org/demographics.shtml#ixzz0PzRRLRO5> (viewed September 2, 2009). See also sec. 307 of the Higher Education Opportunity Act of 2008, Pub. L. 110-315 (providing for "grants and related assistance to Asian American and Native American Pacific Islander-serving institutions to enable such institutions to improve and expand their capacity to serve Asian Americans and Native American Pacific Islanders and low-income individuals.")

<sup>5</sup> National Federation of the Blind, "Google Settlement with Authors,



Finally, by making millions of books now housed in research libraries accessible online, Google Book Search will enhance educational opportunities for persons who are mobility-impaired. As the American Association of People with Disabilities, a member of LCCR, stated to the Court, "[t]he settlement's benefits for readers with disabilities are extraordinary. People for whom transportation to a library or bookstore is difficult, unavailable or expensive would have access to these books through their computer."<sup>6</sup>

LCCR has carefully reviewed the settlement agreement and strongly believes that the settlement will advance the interest of our constituent organizations and their members. We will also monitor implementation of the settlement and discuss with the parties any problems that might arise.

The proposed settlement will enable Google Book Search to offer services that will help to advance our national goal of securing equal opportunity for all. Failure to approve the settlement would be tragic, in that it would impede meaningful access to vital information for many of who have been denied for far too long.

LCCR urges the Court to approve the settlement.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Wade Henderson', written over a horizontal line.

Wade Henderson  
President and CEO  
Leadership Conference on Civil Rights

A handwritten signature in black ink, appearing to read 'William L. Taylor', written over a horizontal line.

William L. Taylor  
Vice-Chair  
Leadership Conference on Civil Rights

Cc: Michael J. Boni, Esq., Joanne Zack, Esq. and Joshua Snyder, Esq. - Boni & Zack LLC  
Jeffrey P. Cunard, Esq. and Bruce P. Keller, Esq. - Debevoise & Plimpton LLP  
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